

DAC
A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Myles C. CABOT, et al.

Serial No: 09/439,293

Filed: November 12, 1999

For: METHODS OF REVERSING DRUG
RESISTANCE IN CANCER CELLS

RECEIVED
AUG 19 2004
OFFICE OF PETITIONS

Art Unit: 1635

Examiner: J. Zara

**PETITION PURSUANT TO 37 C.F.R. § 1.137(b) FOR
REVIVAL OF AN UNINTENTIONALLY ABANDONED
APPLICATION AND CONDITIONAL PETITION FOR
EXTENSION OF TIME**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence
is being deposited with the United States
Postal Service with sufficient postage as
first class mail in an envelope addressed
to:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date of Deposit

Evelyn Menjivar

Name

Signature

8/12/04

Date

Dear Sir:

In accordance with 37 C.F.R. § 1.137(b), Applicant respectfully petitions for revival of the above-identified patent application which became unintentionally abandoned on June 28, 2004. On August 28, 2003, Applicant sent a Notice of Appeal to the Patent Office and this file was inadvertently not calendared for a further response after this date. Therefore, this application became abandoned for failure to file an appeal brief. Applicant became aware of the abandonment of this application on Thursday, June 17, 2004 upon receiving a voicemail message from Examiner Jane Zara indicating that the Office was going to issue a Notice of Abandonment. The entire delay from the due date for the required response until the filing of this petition has been unintentional.

In accordance with 37 C.R.F. § 1.17(m), a check in the amount of \$665.00 is submitted to cover the fee for this petition. Also enclosed is a check in the amount of \$385.00 to cover the RCE filing fee, a response to the Office Action of February 21, 2003 in lieu of the appeal brief, and a Request for Continued Examination to continue prosecution of this application.

No terminal disclaimer is submitted pursuant to 37 C.R.F. § 1.137(c), because the above-referenced application was filed after June 8, 1995.

It is believed that no extension of time is required. However, should an extension of time be necessary to revive the above-identified application or to


prevent the above-identified application from becoming abandoned again, please consider this a conditional petition for such an extension of time. Please charge any fee for such an extension of time to Deposit Account No. 50-1314. A copy of this paper is enclosed.

If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure revival of the above-identified application to Deposit Account No. 50-1314. A copy of this petition is enclosed.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Dated: August 12, 2004

By: 
Olga Berson
Registration No. 55,001
Attorney for Applicants

Biltmore Plaza
500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Telephone: 213-337-6700
Fax: 213-337-6701